

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE YASMIN AND YAZ

(DROSPIRENONE) MARKETING, SALES

PRACTICES AND PRODUCTS LIABILITY

LITIGATION

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) **3:09-md-02100-DRH-PMF**

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) **MDL No. 2100**
)
)

This Document Relates to:

ALL CASES

MINUTES OF TELEPHONE STATUS CONFERENCE

PRESIDING: Chief Judge David R. Herndon

DATE: December 20, 2011

PLACE: East St. Louis, Illinois

COURT REPORTER: Laura Blatz

COURTROOM DEPUTY: Sandy Pannier

APPEARING FOR PLAINTIFFS: Roger Denton, Michael London

APPEARING FOR DEFENDANTS: John Galvin, Douglas Marvin, Phil Beck, Jana Jobes

TIME: 3:00 PM - 3:50 PM

The request for this hearing today came from the PSC to discuss a couple of matters. The first matter was an issue raised by Bayer by Mr. Galvin on trial selection issue pursuant to CMO 24. This has to do with PSC designating a case for the VTE bellwether trial that Bayer had previously vetoed. In addition to the vetoed case, the PSC also has some cases that were previously designated but did not make the cut.

Michael London presents the PSC arguments on this issue. Response by Doug Marvin. Court refers to CMO 24 and advises counsel that it sees validity of both arguments. Given the language of the Order and the arguments presented, the Court is compelled to overrule the objection of the defendant as the Court sees there are difficulties on both sides and cannot sustain the objection.

The next issue deals with Mr. Denton's request to reconsider appointing Judge Stack in the deposition designations in addition to hearing arguments on Bayer's motions in limine withdrawn yesterday, or rule that objections to the deposition designations based on grounds set forth and withdrawn motions are time barred. It looks like defendants are making reference to the motions in limine in a way to convey to the Court the nature of the objections. The Court advises it is not inclined to reconsider its decision on Judge Stack.

Issues presented to Court by Phil Beck and Jana Jobes with regard to Bayer's withdrawing the marketing motions in limine. Response by Mr. Denton. The Court advises counsel that neither one side or the other can presume that it can direct the other side to forego their right to make objections. On the issue of marketing, the Court has an idea what it is going to do on that issue but before ruling is issued, perhaps it should look at that testimony and specific objections for completeness. The Court will make a general ruling and will do it in the context of making specific rulings so they will have the guidance they are looking for. The Court is concerned about the time factor because of the number of objections, but it sounds like there is an awful amount of work to do in a short period of time so the Court strongly discourages any kind of delay in how we get through this and would encourage a process that promotes efficiency through this entire process. The Court will not put Judge Stack on this and will not rule specifically on motions in limine or force defendant to submit those, but may reserve the fact that it may issue a general ruling to give the parties guidance as the Court can see that it would be helpful.

Mr. Denton requests clarification regarding the objections have to be taken with the facts of the case and they were not able to make these arguments yesterday. If the Court would take argument on that one specific motion, they would like to do it. As far as motion in limine 19, the Court states that the court intends to give them guidance. Court will issue an Order that covers this. The Order will be in such a way that will give guidance they are seeking but it will be general.